

DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF MUNICIPAL SERVICES (DMS) STATE REVOLVING LOAN FUND PROGRAM (SRF)

PLAN AND SPECIFICATION CHECKLIST (revised March 2005)

For DMS use only	
Program Manager:	
Review Engr.:	
Date received:	
Date approved:	

(revised March 2005)	Date approved:	
DMS on the World Wide Web at http://www.mass.gov/d	ep/brp/mf/files/pspkg.doc	
Public Entity:		
Contract Titled:		
Contract No.: Consulting Engineer:	Title Sheet dated:	
Address:		
Project Manager:	Telephone:	
TYPE OF PI	ROJECT	
Clean Water (CMR 44.03)	Drinking Water (CMR 45.04)	
 Wastewater Treatment Projects ☐ Interceptors ☐ Combined Sewer Overflows (CSO's) ☐ Infiltration/Inflow (I/I) ☐ Collection Systems ☐ Nonpoint Source Projects 	☐ Drinking Water Treatment ☐ Distribution ☐ Storage ☐ Other (Specify)	
Project No. CWSRF-	Project No. DWSRF-	
The loan applicant or his assignee shall complete the to Bidders, Bid Proposal, Contract, General/Supplem Certification Section) with page location or engineer together with two copies of the plans and specification	nentary Conditions, and Consulting Engineer's 's initials as required. The completed checklist	
BID ADVERTISEN	MENT	PAGE
1. A. Check which Bid Law provisions apply to thi	is contract.	
	uilding/Public Works Contracts) ng Contract with Filed Sub-Bids)	
The provisions under which this contract is be <u>ADVERTISEMENT</u> at	eing bid are stated in the <u>BID</u>	
2. If bid under c.149, ss44A-44J, the bid advertisem every general bidder must furnish from the Divis Maintenance (formerly known as Division of Cap statement (Form CQ3) in accordance with c.149,	ion of Capital Assets Management and pital Planning and Operations) and an update	
This is stated in the <u>BID ADVERTISEMENT</u> See MA DEP-DMS Bid Provisions for SRF Projects for DCAM Certification Categories (DEP-DMS-P&S-20)	or Advertising Requirements (DEP-DMS-P&S-19) and	

DEP-DMS-P&S-1

BID ADVERTISEMENT – CONTINUED	PAGE
3. The Bid Advertisement must contain the following information:	
A. 5% bid deposit	
B. Project description with time frame for the contract completion	
C. Where and how the bidding documents may be obtained or examined.	
D. The location, date and time by which bids are required to be submitted.	
E. A statement that the project is to be funded in part by the Massachusetts Water Pollution Abatement Trust (the "Trust").F. A statement that the project requires compliance with the Massachusetts Diesel Retrofit	
Program (MDRP) by use of after-engine emission controls that are EPA certified, or their equivalent, on all of the off-road (non-registered) diesel vehicles/equipment used at the job site.	
4. The Bid Advertisement must contain the following paragraphs:	
A. "Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) policies of the Commonwealth of Massachusetts and the City/Town of are applicable to the total dollars paid to the construction contract. The "Fair Share" construction goal for this project is a minimum of five point three zero (5.30) percent MBE participation and four point four zero (4.40) percent WBE participation by state-certified MBEs and WBEs. The bidder shall submit completed MBE/WBE forms (EEO-DEP-190 & EEO-DEP-191) and Vendor Information Forms (VIF) with the bid. Failure to comply with the requirements of this paragraph may be deemed to render a proposal non-responsive. No waiver of any provision of this section will be granted unless approved by the Department of Environmental Protection."	
B. "Minimum Wage Rates as determined by the Commissioner of Department of Workforce Development under the provision of the Massachusetts General Laws, Chapter 149, Sections 26 to 27D, as amended, apply to this project. It is the responsibility of the contractor, before bid opening, to request if necessary, any additional information on Minimum Wage Rates for those trades people who may be employed for the proposed work under this contract."	
INSTRUCTIONS TO BIDDERS	PAGE
 The successful bidder shall comply with the following minority and affirmative action workforce reporting system procedures. 	
A. Contractors must submit the <u>Contractor's Quarterly Projected Workforce Table (CAD 85-1)</u> prior to the commencement of work and no later than five (5) working days prior to the start of each new quarter to DEP's Contract Compliance Officer.	
B. Contractors must submit the <u>Certificate of Work Start-Up By Minority/Women Business Enterprise (Form EEO-DEP-290)</u> within ten (10) days after work start-up for each minority/women business to DEP's Contract Compliance Officer.	
C. Contractors must submit the <u>Contractor's Weekly Workforce Utilization Report (CAD 85)</u> to DEP's Contract Compliance Officer no later than the following Tuesday of each week.	

	INSTRUCTION TO BIDDERS – CONTINUED	PAG
D.	The Owner's Contract Compliance Officer must prepare the Agency's <u>Quarterly Contract Compliance Report (CAD 75)</u> for Minority Workforce Utilization and MBE/WBE Contract Activities Report and send them to MCAD no later than the 15 th of the month following the end of each quarter.	
E.	The Prime Contractor is responsible for the submission of all reports from all of his/her sub-contractors.	
F.	The OWNER must submit (within 30 days of submission by the General Contractor of the Final Pay Estimate) the MBE/WBE Contract Completion Verification (Form EEO-DEP-590) to DEP's Contract Compliance Officer with a copy to DEP's Program Manager.	
	These reporting system procedures are included in the Instructions to Bidders at	
	These reporting system procedures are included in the Instructions to Bidders at	
<u>B</u>	These reporting system procedures are included in the Instructions to Bidders at the provisions of the following paragraphs must be included in the <u>INSTRUCTIONS TO IDDERS</u> . Other language may be substituted provided the language changes do not abstantively alter the meaning of these provisions:	
<u>B</u>	The provisions of the following paragraphs must be included in the <u>INSTRUCTIONS TO</u> <u>IDDERS</u> . Other language may be substituted provided the language changes do not	

INSTRUCTIONS TO BIDDERS – CONTINUED	PAGE
C. "The contractor guarantees that the Work and Services to be performed under the Contract, and all workmanship, materials and equipment performed, furnished, used or installed in the construction of the same shall be free from defects and flaws, and shall be performed and furnished in strict accordance with the Drawings, Specifications, and other contract documents, that the strength of all parts of all manufactured equipment shall be adequate and as specified and that the performance test requirements of the Contract shall be fulfilled. This guarantee shall be for a period of one year from and after the date of completion and acceptance of the Work as stated in the final estimate. If part of the Work is accepted in accordance with that subsection of this AGREEMENT titled "Partial Acceptance", the guarantee for that part of the Work shall be for a period of one year from the date fixed for such acceptance."	
"If at any time within the said period of guarantee any part of the Work requires repairing, correction or replacement, the Owner may notify the contractor in writing to make the required repairs, correction or replacements. If the Contractor neglects to commence making such repairs, corrections or replacements to the satisfaction of the Owner within seven (7) days from the date of receipt of such notice, or having commenced fails to prosecute such Work with diligence, the Owner may employ other persons to make said repairs, correction or replacements, and charge the costs, including compensation for additional professional services, to the Contractor."	
D. "This project is subject to the Safety and Health Regulations of the U.S. Department of Labor set forth in Title 29 CFR, Part 1926 and to all subsequent amendments, and to the Massachusetts Department of Labor and Industries, Division of Industrial Safety 'Rules and Regulations for the Prevention of Accidents in Construction Operations' (Chapter 454 CMR 10.00 et seq.). Contractors shall be familiar with the requirements of these regulations."	
E. "Whenever it is written that an equipment manufacturer must have a specified period of experience with his product, equipment which does not meet the specified experience period can be considered if the equipment supplier or manufacturer is willing to provide an "Efficiency Guarantee Bond" or cash deposit for the duration of the specified time period which will guarantee replacement of that equipment in the event of failure."	
F. "This project is subject to the requirements of the Massachusetts Diesel Retrofit Program (MDRP). Bidders must submit a signed and dated Statement of Intent to Comply form as part of their bid proposal documents."	
BID PROPOSAL	PAGE
7. The bid proposal must contain the following information:	
A. Contract name, contract number and SRF project number designation	
B. The method for determining the award of the contract when Bid Alternates are included	
C. Acknowledgement of Addenda	
DEP-DM	S-P&S-4

	BID PROPOSAL – CONTINUED	PAG
D.	A Labor and Material or Payment Bond in the amount of 100% of the total contract price must be provided by the general contractor.	
E.	A Performance Bond in the amount of 100% of the total contract price must be provided by the general contractor.	
F.	"The time for completion of this contract is calendar days"	
G.	"Liquidated damages specified in this contract are \$ per day for each calendar day beyond the contract completion date that work remains uncompleted."	
Н.	SRF eligible and ineligible items must be clearly separated in the bid proposal.	
8. Th	ne following paragraph must be included in its entirety in the Bid Proposal.	
Sa Fe	The time period for holding bids, where Federal approval is not required is 30 days, turdays, Sundays and legal holidays excluded, after the opening of bids and where deral approval is required, the time period for holding bids is 30 days, Saturdays, Sundays d holidays excluded after Federal approval."	
9. Cł	neck which bidder's "bid law" certification statements apply to this contract.	
A.	M.G.L. c.30, s39M (a) and (c) *	
В.	M.G.L. c.149, s44D (1) (b) and s44E (2) (3) **	
The	e following other certifications must be included in their entirety in the Bid Proposal.	
C.	State Taxes *,**	
	"Pursuant to M.G.L.c.62C, s49A I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all State Taxes required under law"	
D.	EEO/AA Provisions *,**	
	"The undersigned bidder hereby certifies he/she will comply with the minority workforce percentage ratio and specific affirmative action steps contained in the EEO/AA provisions of this Contract, including compliance with the Minority/Woman Business Enterprise provisions as required under these contract provisions. The contractor receiving the award of the contract shall be required to obtain from each of its subcontractors a copy of the certification by said subcontractor, regardless of tier, that it will comply with the minority workforce ratio and specific affirmative action steps contained in these EEO/AA contract provisions and submit it to the contracting agency prior to the award of such subcontract."	

BID PROPOSAL – CONTINUED	PAGE
E. Non-Debarment *,**	
"The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of Section Twenty-Nine F of Chapter Twenty-Nine, or any other applicable debarment provisions of any other Chapter of the General Laws or any rule or regulation promulgated thereunder."	
* See Attached Appendix A1 for the applicable contractor's certification statements required when bid under the provisions of c.30 s39 (Non-Building/Public Works Contract) including certifications for state taxes, work in harmony, EEO/AA provisions, non-collusion, and non-debarment.	
** See Attached Appendix A2 for the applicable contractor's certification statements required when bid under the provisions of c.149 s44A-44J (Building Contract with filed sub-bids) including certifications for state taxes, EEO/AA provisions, eligibility update statement with non-collusion, work in harmony, and non-debarment.	
10. The following MBE/WBE participation and Vendor Information Forms are included as part of the bid proposal.	
Schedule of Participation for SRF Construction	
Form EEO-DEP-190C in the BID PROPOSAL at	
Letter of Intent for SRF Construction	
Form EEO-DEP-191C in the BID PROPOSAL at	
Vendor Information Form-SRF Construction (2 pages)	
Form-EEO-DEP-VIF-C in the BID PROPOSAL at	
See Attached Forms EEO-DEP-190C through EEO-DEP-590C &EEO-DEP-VIF-C	
11. Article XII of the "Commonwealth of Massachusetts Modified Supplemental Equal Opportunity Anti-discrimination and Affirmative Action Program" requires that the contractor's certification form, which must be signed by the successful low bidder prior to award by the contracting agency, must appear in the contract and the subcontractor's certification form, which must be signed by the prospective subcontractor(s), must be submitted to the contractor and included in the subcontract.	
Contractor's "Revised" Workforce Certification In Bid Proposal at	
Sub Contractor's "Revised" Workforce Certification In Bid Proposal at	
See Appendix B1 & B2 or Contract Compliance Procedure package pages EEO-AAO-CCP 6 & 7 for these Workforce Certifications Forms	

BID PROPOSAL – CONTINUED]
12. The following MDRP form is included as part of the Bid Proposal.	
Massachusetts Diesel Retrofit Program Statement of Intent to Comply In the BID PROPOSAL at	
See attached Appendix C "Massachusetts Diesel Retrofit Program (MDRP)".	
CONTRACT	
13. The following paragraphs must be included in their entirety in the Contract.	
A. "The fair share construction goals for minority enterprise (MBE) and women's business enterprise (WBE) participation for this contract is a minimum of five point three zero (5.30) percent MBE participation and four point four zero (4.40) percent WBE participation, applicable to the total dollar amount paid for the construction contract. The Contractor shall take all affirmative steps necessary to achieve this goal, and shall provide reports documenting the portion of contract and subcontract dollars paid to minority and women-owned businesses, and its efforts to achieve the goals, with each invoice submitted or at such greater intervals as specified by the (municipality). The contractor shall require similar reports from its subcontractors."	
B. "The contractor <u>shall</u> not discriminate against or exclude any person from participation herein on grounds of race, religion, color, sex, age, or national origin; and that it <u>shall</u> take affirmative actions to insure that applicants are employed, and that employees are treated during their employment, without regard to race, religion, color, sex, age, handicapped status, or national origin."	
C. "The contractor <u>shall</u> not participate in or cooperate with an international boycott, as defined in Section 999 (b)(3) and (4) of the Internal Revenue code 1986, as amended, or engage in conduct declared to be unlawful by Section 2 of Chapter 151E of the Massachusetts General Laws."	
14. The provisions of the following paragraphs must be included in the Contract. Other language may be substituted provided the language changes do not substantively alter the meaning of these provisions.	
A. "The time for completion of this contract is calendar days"	L
B. "Liquidated damages specified in this contract are \$ per day for each calendar day beyond the contract completion date that work remains uncompleted."	
C. As per DEP's Policy Memorandum #10 – the agreed upon DIRECT LABOR MARKUP (percentage) for Change Orders on this project shall be percent.	
15. The following <u>LGU auditor/accountants</u> certification must be included in contract	
"Pursuant to M.G.L. c.44, s31C, I certify that an appropriation has been made in the total amount of the contract."	

GENERAL/SUPPLEMENTARY CONDITIONS	PAGE
	'
	DEP-DMS-P&S-8

- 16. Provisions for the following types of Contractor's Commercial General Liability insurance coverage must be included in the Specifications in no less than the limits required by law or the following limits whichever are greater:
 - A. Workman's Compensation and Employer's Liability Insurance in

Worker's Compensation \$100,000.

Employer's Liability 500,000. Each accident

500,000. Disease per employee

B. Commercial General Liability Insurance with the following limits:

Bodily Injury & \$1,000,000. Each occurrence Property Damage 1,000,000. General aggregate

C. Vehicle Liability Insurance

Bodily Injury & \$1,000,000. Each person Property Damage 1,000,000. Each accident

- D. Owner's Protective Liability equal to Contractor's required coverage stated in B if the project involves blasting.
- E. Builder's Risk (Fire Insurance) in an amount equal to the insurable value of the Contract.

These coverages are stated in the SPECIFICATIONS at

17. "The Commonwealth of Massachusetts Modified Supplemental Equal Employment
Opportunity Anti-Discrimination and Affirmative Action Program" Package (See Attached
Pages EEO-AAO-MS Page 1 through EEO-AAO-MS-Page 7) approved for use in the Bureau of
Resource Protection Assisted Projects must be included in the Commonwealth of
Massachusetts Requirement Section of the Contract Documents, with the minority
percentage applicable in the Owner's area included in Article III.1. on Page EEO-AAO-MS-Page 2 filled in.

This package is incorporated in the SPECIFICATIONS at

C. Local Conservation Commission Order of Conditions (Chapt. 131, Sec. 40)

E. Mass. State Highway Permit

G. Specify other Permits and/or Licenses

F. Mass. Division of WPC Water Quality Certificate

D. Mass. Div. of WPC Sewer Extension/Connection Permit (314 CMR's 7.00 & 12.00)

(1)	
(3) GENERAL/SUPPLEMENTARY CONDITIONS – CONTINUED	PAGE
21. The following statutes regulating construction contracts for public buildings and public works projects, are to be incorporated into All Specifications in the Commonwealth of Massachusetts Requirement Section. Those statutory references in bold type must be included (in their entirety) in the Contract Documents. The other statutes do not have to be printed but should be referenced. Copies of all the referenced statutes can be obtained from the world wide web at the following site by inserting the chapter-section just before .htm	
ie http://www.state.ma.us/legis/laws/mgl/30-39F.htm	
M.G.L c.30 s 39F Payment to Subcontractor	
c.30 s 39I Deviation from Plans and Specifications	
c.30 s 39J No Arbitrary Decisions are Final	
c.30 s 39L Construction Work by Foreign Corporations	
c.30 s 39M(b) Substitution of Equal Products	
c.30 s 39N Differing Site Conditions	
c.30 s 39O Equitable Adjustments for Delays	
c.30 s 39P Decision on Interpretation of Specifications	
c.30 s 39R Contractor's Records	
c.149 s 34 Limitations on Hours of Work	
c.149 s 44J Advertising Invitations to Bid	
c.82 s 40 Excavations; Notice; Penalties	
These statutes are included in the SPECIFICATIONS at	
In addition, contracts bid under c.149, ss44A – 44J shall include:	
M.G.L. c.30 s 39K Prompt Payment	
c.149 ss44F and 44G	
These provisions are included in the SPECIFICATIONS at	

P	TING ENGINEER'S CERTIFICATION SECTION LAN AND SPECIFICATION CHECKLIST	ENG! Initia
22. <u>Massachusetts W</u>	age Rates Request from Division of Occupational Safety, 399 Washington Street, Boston, MA 02108, (617) 727-3492	
	instraints it is recommended that Wage Rates be inserted in the fications by revised pages prior to Contract advertising or by to bid opening.	
CONSULTING E	NGINEER'S CERTIFICATION SECTION - CONTINUED	ENG Initia
23. Project Identifica	tion	
The cover shee following iden	t of the contract drawings & specifications must provide the ification:	
Owner's Name		
Suitable Title		
Project No. SF Contract No.	RF-	
Contract 110.		
24 DE Stomm and S	ionotymo	
24. <u>P.E. Stamp and S</u>	<u>ignature</u>	
Each page of the	contract drawings and the Title page of the specifications has been ed by a Massachusetts Professional Engineer.	
Each page of the stamped and sign	contract drawings and the Title page of the specifications has been	
Each page of the stamped and sign 25. Index - Note - Le	contract drawings and the Title page of the specifications has been ed by a Massachusetts Professional Engineer. gend Sheet(s) (Plans) te – Legend Sheet(s) of the plans must provide the following	
Each page of the stamped and sign 25. Index - Note - Le The Index - Note minimum information	contract drawings and the Title page of the specifications has been ed by a Massachusetts Professional Engineer. gend Sheet(s) (Plans) te – Legend Sheet(s) of the plans must provide the following mation:	
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Each page of the stamped and sign 25. Index - Note - Le The Index - Note minimum informum i	contract drawings and the Title page of the specifications has been ed by a Massachusetts Professional Engineer. gend Sheet(s) (Plans) te – Legend Sheet(s) of the plans must provide the following mation: map map mrow ls/Abbreviations Reference	
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Each page of the stamped and sign 25. Index - Note - Le The Index - Nominimum inform (a) Locus (b) North (c) Index (d) Symbol (e) Vertica (f) Munici 26. Policy memorance CG-1 Easements	contract drawings and the Title page of the specifications has been ed by a Massachusetts Professional Engineer. gend Sheet(s) (Plans) te – Legend Sheet(s) of the plans must provide the following mation: map map map mrow ls/Abbreviations Reference l Datum Plans used for Design and Layout pal Wells/Reservoirs located within 1/2 mile of project site la (CG's) are Implemented in Contract (Plans/Specifications) and Rights of Way are shown on the contract drawings and have been	
Each page of the stamped and sign 25. Index - Note - Le The Index - Nominimum inform (a) Locus (b) North (c) Index (d) Symbol (e) Vertica (f) Munici 26. Policy memorance CG-1 Easements obtained or CG-2 Permits haw which are to	contract drawings and the Title page of the specifications has been ed by a Massachusetts Professional Engineer. gend Sheet(s) (Plans) te – Legend Sheet(s) of the plans must provide the following mation: map urrow ls/Abbreviations Reference 1 Datum Plans used for Design and Layout pal Wells/Reservoirs located within 1/2 mile of project site la (CG's) are Implemented in Contract (Plans/Specifications)	

CG-4	Record Drawings will be prepared by the LGU or his representative. They may use the contractors and sub-contractor's certified As Built drawings along with their own marked up set in the preparation of the Record Drawings.	
CG-5	Plan Scale used in the preparation of the plans is 1"= 40' horizontal and 1"= 4' vertical for all non-structural drawings.	
CG-6	Boring Logs are numbered and shown on both the plan and corresponding profile of each layout sheet giving depth, or refusal, water and unsuitable material level of the boring. The full boring logs can be found in the specification.	
CONS	ULTING ENGINEER'S CERTIFICATION SECTION – CONTINUED	ENGR Initials
CG-7	Breakdown of Bid Items for Sewer Pipe Installation where applicable have been incorporated in the bid documents.	
CG-8	Pavement over new sewer trenches in existing paved roads will be done in accordance with the CG's width limits and thickness.	
CG-9	Pipe testing requirements for the infiltration/exfiltration or low-pressure air test will be met prior to the release of pipe retainage monies.	
CG-10	Change Orders will be submitted on the Department's forms with appropriate documentation listed in the CG.	
CG-11	Utility Relocation has been minimized through communication with existing utilities prior to final design layout of the project.	
CG-12	Refundable Deposits for Plans and Specifications are in place for the timely returns of plans and specifications received in good condition.	
CG-13	Bid Opening Procedures of the Department are in place and will be followed for the contractor selection.	
CG-14	Payment for Rock Excavation is consistent with the pay limits and definitions of the CG.	
CG-15	Traffic Police are eligible as part of the administrative cost of the project.	
CG-16	Documentation Required to Substantiate Contract Quantities for Change Orders and Close Out have been incorporated in the Measure and Payment section of the specifications.	
	DWS Policy 88 – 02Review of Sewer Line/Water Supply Protection of public water supplies within the influence of construction have been delineated on the plans with special construction methods shown on the plans and incorporated in the specifications	
S	ee Attached Pages DEP-DMS-CG's Page 1through 24	
27. Desig	gn Criteria	
the Int	e contract drawings and specifications comply with the current edition of "Guides for Design of Wastewater Treatment Works" (TR-16) prepared by the New England erstate Water Pollution Control Commission and good Environmental Engineering actice.	

The contract drawings and specifications must either describe (spec) an item of Material which can be met by at least three (3) manufacturers or producers or NAME a MINIMUM of three (3) BRANDS of MATERIAL and in either case Provision for "or equal" has been provided.			
CONSULTING ENGINEER'S SECTION – CONTINUED			
29. Flood Insurance/Protection			
The plans and specifications are compatible with the Federal Emergency Mana Agency Flood Insurance Program and designate the elements insurable by the I (Wastewater Treatment Projects).	_		
30. Building and Lot Identification			
The plans must provide the location of the dwelling/building, street number And sill elevation. Vacant or unbuildable lots must be identified.			
The plans as submitted comply with the above.			
	YES		
THIS SECTION IS FOR DMS USE ONLY			
THIS SECTION IS FOR DMS USE ONLY The Plans and Specifications are in conformance with the Following:			
The Plans and Specifications are in conformance with the Following: 1. The approved Comprehensive Wastewater Management Plan, Project Evaluation			
The Plans and Specifications are in conformance with the Following: 1. The approved Comprehensive Wastewater Management Plan, Project Evaluation Report, or Sewer System Evaluation Survey:			
The Plans and Specifications are in conformance with the Following: 1. The approved Comprehensive Wastewater Management Plan, Project Evaluation Report, or Sewer System Evaluation Survey: 2. The Project Evaluation Forms (PEF):			
 The Plans and Specifications are in conformance with the Following: The approved Comprehensive Wastewater Management Plan, Project Evaluation Report, or Sewer System Evaluation Survey: The Project Evaluation Forms (PEF): The NEIWPCC "Guide for the Design of Wastewater Treatment Works" TR-16: 			
The Plans and Specifications are in conformance with the Following: 1. The approved Comprehensive Wastewater Management Plan, Project Evaluation Report, or Sewer System Evaluation Survey: 2. The Project Evaluation Forms (PEF): 3. The NEIWPCC "Guide for the Design of Wastewater Treatment Works" TR-16:			